

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,	:	
Plaintiff-Respondent,	:	Case No. 3:05cr00176
	:	Case No. 3:11cv00275
vs.	:	
	:	District Judge Thomas M. Rose
JOSE ANGEL GAYTAN-GARZA,	:	Magistrate Judge Sharon L. Ovington
Defendant-Petitioner.	:	DECISION AND ENTRY

The Court has conducted a de novo review of the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #86), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** said Report and Recommendations.

Accordingly, it is hereby **ORDERED** that:

1. The Report and Recommendations filed on August 15, 2011 (Doc. #86) is ADOPTED in full;
2. Jose Angel Gaytan-Garza's Motion to Vacate, Set Aside or Correct Sentence (Doc. # 84) is DENIED and DISMISSED;
3. Petitioner is DENIED a certificate of appealability and leave to appeal *in forma pauperis*; and
4. This case is terminated on the docket of this Court.

September 6, 2011

*/s/**THOMAS M. ROSE**

Thomas M. Rose
United States District Judge